

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOCUMENT
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DOC #:
DATE FILED: 10/19/15

Claude GALLAND; Violaine Galland

ORDER TO SHOW CAUSE

- against -

James Johnston; Judith Johnston

Stephen BOWDEN

TERRI BOWDEN

§ Civ. 14 (4411)

§ 14 CV 4411

Upon the affirmation of Claude & Violaine GALLAND, sworn to the _____ day of October 19, 2015, and upon the copy of the complaint hereto annexed, it is

ORDERED, that the above named defendant(s) show cause before a motion term of this Court, at Room _____, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City, County and State of New York on the _____ day of _____, 20____, at _____ o'clock in the _____ noon thereof, or as soon thereafter as the parties may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendant(s) during the pendency of this action from _____

_____; and it is further
ORDERED, that sufficient reason having been shown, therefore, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure the defendant(s) are temporarily restrained and enjoined from _____

_____; and it is further
ORDERED, that security in the amount of \$ _____ be posted by the plaintiff prior to _____, 20____ at _____ o'clock in the _____ noon and it is further

ORDERED, that personal service of a copy of this order and annexed affirmation upon the defendant(s) or his counsel on or before _____ o'clock in the _____ noon, on the ____ day of _____, 20____, shall be deemed good and sufficient service thereof.

DATED: _____
New York, New York

United States District Judge

To Honorable Judge Ellis

October 16. 2015

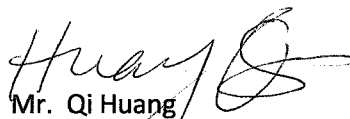
My Name is Qi Huang a witness to Mr. Galland.

I came from Chicago Monday the 12, to be examined by Mr. Donat as Mr. Galland informed me that both the Judge and the attorney requested to see me. I certify that on October 14, 2015 , I went to Mr. Donat law office located at 125 Broad Street and made myself available. Mr. Donat refused to see me, talk to me or conduct any examination in regards to cancelling my accommodation all-inclusive contracts of two years with Paristudios for about 90,000 dollars as a result of Donat's client posted reviews on the internet.


For my useless appearance at the law office lobby, I was reimbursed by Mr. Galland for my transportation \$150 dollars in Taxi from Staten Island where I am staying with friends.

I have also issued to Mr. Galland \$ 4,000 dollars to reserve April 2016-2017-2018 for my 21 clients Marathon in Paris, with the understanding that the reviews must be permanently deleted from the website, a source of anxiety to my clients. However I asked Mr. Galland to refund me back the \$4,000 deposit because it appears this lawsuit will not be resolved soon.

I am leaving for China on November 1st , 2015.

 10/16/2015
Mr. Qi Huang

October 16, 2015


MALIA D. CHATMAN
Notary Public, State Of New York
Qualified in Bronx County
No. 01CH6189098
MY COMMISSION EXPIRES JUNE 23, 2016

10/16/15

UNITED STATES DISTRICT COURT

Index # 14 CV 4411

SOUTHERN DISTRICT OF NEW YORK

To Honorable Judge Ellis,

October 6, 2015

The defendants, Johnston and Bowden, have travelled to Paris on a string budget renting from us the most economical accommodation amongst all our properties: therefore we presumed that they are people of modest means. Corollary, it would have been futile to demand a settlement amount they could not honor. At the first court conference, we offered the lowest nominal settlement to wit: \$5,000USD, which any honest attorney would not reject as it is lower than legal fees and travel expenses. Yet, to our dismay, the attorneys stormed out of the room without prior consultation with their clients. Their action is self-serving, profiteering, and in violation of the code of ethics. A disciplinary action would be justified.

Furthermore, after one year in court, when evidence for damage was submitted in the court records and several attempts made to get our witness interrogated, the defendants failed to respond. This idleness prejudices us. To break the hiatus, we are personally taking our witness to the law offices and here below the letter we sent to the defendants:

To Defendants Bowden and Johnston,

Please note, on October 14th 2015, our witness Mr. Huang will appear in your law offices in New York submit to any interrogation you may wish to conduct. Should you fail to interrogate him on October 14th 2015, you could do so before November 1st 2015 after which Mr. Huang will be back in China. He will only be available at trial.

Discovery Demands:

We reserve the right to add a cause of action of fraud. We demand the following discoveries to be submitted by November 1st 2015.

1. Please disclose all defendant tax records for the past 5 years.
2. Please disclose all vacation destinations, hotels, name of owners of past 10 years.
3. Please disclose all blogs, reviews on internet forums (anonymous or not) for the past 10 years written by every defendants.
4. Please disclose any property listings owned by defendants on VRBO
5. Please disclose all correspondence with Lisa Porter
6. Lisa Porter will disclose a list all vacations with her parents as a teenager.

7. Lisa Porter will disclose all law case instance where she acted as an attorney to her parents
8. Please disclose all correspondence between all defendants pre/post – vacationing in Paris.
9. Please disclose the internet username, email and name of forums of the bloggers who directly corresponded with the Bowden anonymously or not.

Further discovery demands will be demanded after analysis of these discoveries if required.

EBT

PLEASE NOTE

On November 16th 2015, we will conduct the EBT for defendants Johnston.

On November 17th 2015, we will conduct the EBT for defendants Bowden.

EBT will be conducted in New York City at the YALE University Club located at 50 Vanderbilt at 10AM.

Claude and Violaine Galland

submitted to defendants
October 6, 2015
2015

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To the Honorable Judge Ellis
Southern District of New York

PROOF OF DAMAGES

Galland vs. Johnston

To honorable Federal Judge Ellis,

As per your order, honorable Judge Ellis, here submitted 3 coordinates of 3 different witnesses who will support our damage claim caused directly by the false reviews.

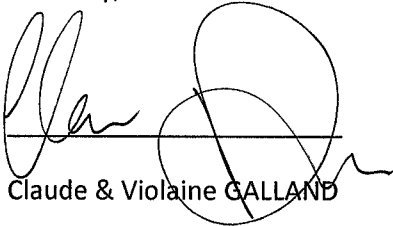
- Qi Huang +86 1052903299 (www.runchinamarathon.com)
- Benjamin Gernandt +1(347)-3852-699
- Shen Zhong Wen +1 (347)-399-3260

The damages are four-pronged.

1. A real-estate sale with a New York real –estate investor negotiated down to a hybrid management deal. The false reviews were a deal breaker. Estimated damage is at \$400,000 USD
2. www.runchinamarathon.com contract that was rescinded because of the review for approximate of \$96,000 USD
3. VRBO's daily operation loss of \$20,000 USD
4. Alternative daily operation losses from other sources in spite of increased advertisement

The Court will note these evidences were served to the defendants and in the Court record since August 25th 2014, more than a year ago.

Sincerely,



Claude & Violaine GALLAND

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLAUDE GALLAND ; Violaine GALLAND

AFFIRMATION

- against -

JAMES JOHNSTON ; JUDITH JOHNSTON

STEPHEN BOWDEN

TERRI BOWDEN

§ Civ. 14 (44)(11)

§ 14 CV 4411

We Claude & Violaine GALLAND as plaintiff in the above entitled action, respectfully move this Court to order defendant(s) to show cause why they should not be enjoined from/to _____ **Order to** examine our witness before his departure to China; **Order to** enforce our discovery of defendants. until a final disposition on the merits in the above entitled action.

Unless this order is issued, I will suffer immediate and irreparable injury, loss and damage in that _____

We have only 12 days before the departure back to China of our witness Mr. Huang.

It is urgent he gets examined while in the United States to avoid irreparable damages to get him appear twice again for an EBT and again for Trial and pay twice his travel expenses from China.

We have notified the defendants multiple times but remained incommunicado.

- 1) On September 3rd in open court the Honorable judge Ellis ordered us to do three items, to wit: submit "proof of damages", witnesses to support our claim and a time frame of 3 months to conclude the EBT.
- 2) The proof of damages was submitted in the Court records since August 23, 2014 and again re-submitted to the Court on September 18, 2015 .
- 3) We arranged for Mr. Huang (who is one of our three witnesses) to become immediately available to submit to interrogation before his departure back to China on November 1st.
- 4) The defendants ignored us.
- 5) On October 9th we sent a letter to the defendants offering to bring the witness to their door. (see letter attached sent to the Defendants and filed in the record)
- 6) The defendants again ignored us and did not ask to reschedule.
- 7) On October 14 Mr. Huang appeared at Donat's law offices in New York city but was barred to go up in the law office. (see attached Mr. Huang's sworn affidavit).
- 8) Mr. Donat was again incommunicado although he was on the premise. He refused to see us or talk to us.
- 9) Mr. Donat instructed his receptionist to tell us via the intercom while we were waiting in the lobby , quoting : "Mr. Donat will see you **only in Court.**"
- 10) The defendants Johnstons in Oregon, also ignored us.
- 11) Mr. Huang will be leaving for China in 12 days.

Mr. Donat refusal to talk or see us "except in Court" is a signal that our discovery demands will not be submitted by November 1st and the EBT will not be concluded within the Court's time frame. Shark tactics and dilatory tactics cost us irreparable damage.

SPECIFIC RELIEF SOUGHT FROM THIS COURT.

- 12) IMMEDIATE DISCOVERY OF OUR WITNESS within 10 days.
- 13) Our right for discovery must be honored. Our demands for the EVIDENCE DEFENDANTS HAVE IN THEIR CONTROL must be submitted to us by November 1st.
- 14) As per the Court oral order parties must conclude EBT by the end of November. We will examine the 4 defendants in the presence of a Court reporter at the YALE university club located at 50 Vandebuilt, on November 16th and 17th.

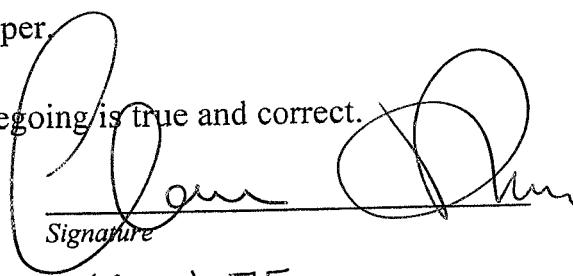
_____. As can be seen from the foregoing, we have no adequate remedy at law. No prior request has been made for the relief requested herein.

WHEREFORE, we respectfully request that the court grant the within relief as well as such other and further relief that may be just and proper.

We declare under penalty of perjury that the foregoing is true and correct.

Dated: October 19, 2015

NY, NY
(town/city) (state)


Signature

166 W 75
Address

New York
City, State

New York
Zip Code

10023
Telephone or Cell phone number

(917) 770-1046

(646) 266-8033

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Claude GALLAND; Violaine GALLAND

AFFIRMATION OF SERVICE

- against -

James Johnston; Judith Johnston

Stephen Bowden

Terri Bowden

± Civ. 14 (44)(11)

± 14 CV 44 11

We Claude & Violaine Galland, declare under penalty of perjury that I have
(name)

served a copy of the attached ORDER TO show Cause

(document you are serving)

upon Johnston and Bowden whose address is 125 Broad Street
(name of person served)

NY NY 10004 ; 1025 Pinecrest T. Ashland Oregon ; 5200 Sw Meadows Rd suite 150 OR 97035
(where you served document)

by Express overnight mail
(how you served document: For example - personal delivery, mail, overnight express etc.)

Dated: _____, 20__

(town/city)

(state)

Signature

166 W 75
Address

NY
City, State

NY 10023
Zip Code